

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2004/051713

International filing date (day/month/year)
04.08.2004

Priority date (day/month/year)
23.09.2003

International Patent Classification (IPC) or both national classification and IPC
H04Q7/38

Applicant
MOTOROLA INC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Authorized Officer

M. García

Telephone No. +49 30 25901-479



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-26
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:
D1: WO 01/31964 A (TELEFONAKTIEBOLAGET LM ERICSSON) 3 May 2001
(2001-05-03)
D2: WO 01/97541 A (GRAVITATE) 20 December 2001 (2001-12-20)
2. The application does not meet the requirements of Article 6 PCT, because **claim 1** is not clear.

The terms "**transmitting by other mobile stations their ids and localization data in response to said emergency message**" used in claim 1 are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.

It is not clear which are "other mobile stations". These unclear terms have been interpreted as follow:

"transmitting by other mobile stations their ids and localization data in response to said emergency message" : the mobile stations that received the message, transmit their ids and localization data in response to said emergency message.

3. Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claims 1-26 does not involve an inventive step in the sense of Article 33(3) PCT, and therefore the criteria of Article 33(1) PCT are not met.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A method of automatic creation of a talk group in a wireless radio communication

system comprising a plurality of mobile stations, (p. 4, ll. 1-5)

- a) transmitting by a first mobile station an emergency message containing at least its id and localization data and indication that this is an emergency message (p. 6, ll. 18-24) and (p. 21, l. 30- p. 22, l. 5)
- c) creating said talk group by selecting those mobile stations which transmitted their ids and localization data (the mobile stations that received the broadcast message) (p. 22, ll. 8-12).

It is implicitly disclosed in D1 that the service node (dispatcher, see p. 9, ll. 12-14), knows the location of the users where the message is broadcasted.

The subject-matter of claim 1 therefore differs from this in that:

- b) transmitting by other mobile stations their ids and localization data in response to said emergency message

The problem to be solved by the present invention may therefore be regarded as that of how to improve the calculation of the location of mobile stations when creating an automatic talk group in an emergency situation.

Document D2 discloses a system where an automatic talk group is created, where responsive to a request (for example an emergency request) the mobile stations transmit their locations (p. 22, par. 99)

When confronted with the above problem, the skilled person would realize that the method described in D2 provides a more accurate location of the mobiles (as they transmit their location when requested instead of taking the latest one known by the infrastructure). Therefore, the skilled person would include such a feature into the method of document D1.

The subject-matter of **claim 1** is therefore not inventive.

The same reasoning applies to the subject-matter of the corresponding independent **claim 18** which therefore is also considered not inventive.

For the sake of completeness, it is pointed out that the objection of lack of inventive

step set out above could also have been substantiated, on the one hand, starting from D2 as the closest prior art and combining it with the teaching of document D1.

4. **Dependent claims 2-17 and 19-26** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.